

Notice of Allowability

Application No.

09/444,711

Applicant(s)

YEATMAN ET AL.

Examiner

Alana M. Harris, Ph.D.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 21 November 2003.
2. ☒ The allowed claim(s) is/are 113,114,116-118,120-124,126-128,131,139,147,148 and 150-152.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

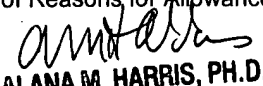
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 02/17/2004.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


ALANA M. HARRIS, PH.D.
PRIMARY EXAMINER
2/17/2004

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Glynn Ladwig on 17 February 2004.

2. The application has been amended as follows:

Claims 115, 119, 125, 149 and 153 have been cancelled.

In claim 113, lines 1 and 2 the term "mutant" was replaced with ~~—truncated--~~.

In claim 113, line 2 the term "comprises" was replaced with ~~—consists of--~~.

In claim 116, line 1 the term "mutant" was replaced with ~~—truncated--~~.

In claim 117, line 3 the term "mutant" was replaced with ~~—truncated--~~.

In claim 117, line 4 the term "comprises" was replaced with ~~—consists of--~~.

In claim 121, line 3 the term "mutant" was replaced with ~~—truncated--~~.

In claim 123, line 2 the term "mutant" was replaced with ~~—truncated--~~.

In claim 123, line 3 the term "comprises" was replaced with ~~—consists of--~~.

In claims 126, line 3 the term "mutant" was replaced with ~~—truncated--~~.

In claim 127, line 2 the term "mutant" was replaced with ~~—truncated--~~.

In claim 128, line 3 the term "mutant" was replaced with ~~—truncated--~~.

Art Unit: 1642

In claims 131 and 139, line 4 the term "mutant" was replaced with —truncated--.

In claim 147, lines 1, 3, 5, 6 and 8 the term "mutant" was replaced with —truncated--.

In claim 147, line 6 the term "comprises" was replaced with —consists of -.

In claim 150, lines 1, 3, 5 and 7 the term "mutant" was replaced with —truncated-

In claim 150, line 5 the term "comprises" was replaced with —consists of -.

In claim 151, line 2 the term "mutant" was replaced with —truncated--.

3. The following is an examiner's statement of reasons for allowance: The state of the prior art at the time the instant application was filed is that there is only one amino acid sequence of the truncated/mutant c-Src polypeptide, which consists of SEQ ID NO: 4 (530 amino acids). Moreover, that polynucleotide sequence, SEQ ID NO: 3 encodes the said truncated/mutant form of the c-Src polypeptide.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alana M. Harris, Ph.D. whose telephone number is

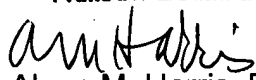
Art Unit: 1642

(703) 306-5880. The examiner can normally be reached on 7:00 am to 4:30 pm, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne "Bonnie" Eyler, Ph.D. can be reached on (703) 308-6564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALANA M. HARRIS, PH.D.
PRIMARY EXAMINER



Alana M. Harris, Ph.D.
17 February 2004